

# ecoNews — Wire —

IOWA DEPARTMENT OF NATURAL RESOURCES

**April 8, 2004**

**For immediate release**

- 1. EPC to discuss water quality standards during special meeting**
- 2. Manure applicators should stay away from water**
- 3. DNR enforcement actions**

## **EPC TO DISCUSS WATER QUALITY STANDARDS DURING SPECIAL MEETING**

DES MOINES — The Environmental Protection Commission will discuss water quality issues during a special electronic public meeting Monday, April 12 at 9 a.m.

The EPC will vote on whether to reconsider last month's decision on proposed total dissolved solids and chloride water quality standards. If the commission votes to reconsider the previous decision, it will vote again on the proposed standards.

The public is invited to attend the meeting at the DNR office at 7900 Hickman Road in Urbandale.

**For more information, contact Wayne Gieselman at (515) 281-5817.**

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## **MANURE APPLICATORS SHOULD STAY AWAY FROM WATER**

DES MOINES — “Stay away from water,” is the message that the DNR has for commercial and confinement site manure applicators.

Unless the manure is injected or incorporated on the same day it was applied, all manure applicators must stay 200 feet away from most water sources, sinkholes, drinking water wells, abandoned wells, cisterns and ag drainage wells. Manure applicators must stay 800 feet away from high quality water resources, unless the manure is injected or incorporated on the same day as application.

“While most people inject manure or incorporate surface-applied manure, there are certain times of the year when that is not possible,” said Jeff Prier, an environmental specialist at the Spencer DNR field office.

Prier also advised manure applicators to avoid applying right before a big rain is predicted or when soils are saturated.

“What you want to avoid is the chance that any manure will run off the surface or through tile lines to pollute a stream or other protected water,” he said.

A water source is basically any stream or ditch that has definite banks and the occurrence of water, Prier said. Most lakes and ponds are considered water sources, but a grassed waterway is usually not.

High quality water resources are found in about half of Iowa’s counties and include trout streams in the northeast, the natural, great lakes area in the northwest, and other streams or lakes that have high water quality, or recreational or ecological significance.

Prier said applicators using surface application that is not incorporated within 24 hours must stay at least 750 feet away from buildings such as residences or schools, and public use areas.

Small animal feeding operations are not required to meet the separation distances for buildings or public use areas, or be certified, but they must meet the distances for protected areas such as sinkholes and water resources.

All other applicators must be properly certified and follow the separation distances when not injecting or incorporating.

See the animal feeding section on the DNR website at [www.iowadnr.com](http://www.iowadnr.com) for more information about state rules on manure application.

**For more information, contact Jeff Prier at 712-262-4177.**

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## **DNR ENFORCEMENT ACTIONS**

DES MOINES — The DNR has taken the following enforcement actions. Responsible parties have 30 days to appeal the charges or 60 days to pay the penalty.

- Iowa Quality Beef Supply Cooperative, of Tama, was ordered to monitor its wastewater facility as required, maintain all equipment in good working order, comply with effluent limitations and pay a \$5,000 penalty.

- Crest Country Inn, of Williamsburg, was ordered to comply with wastewater monitoring and reporting requirements, retain the services of a certified wastewater operator and to pay a \$1,000 penalty. The order has been appealed.
- The City of Iowa Falls was ordered to cease all unauthorized discharges from the City's wastewater treatment facilities and to evaluate and repair emergency notification equipment at the treatment plant and all lift stations. The City was also ordered to submit to the DNR a written plan detailing the adequacy of sludge storage units at the plant and to pay a \$10,000 penalty. The order has been appealed.
- Interchange Service Co., Inc., Leonard Ramm, Steven Rieff and Floyd Davis of Monona County were ordered to properly operate and maintain their wastewater treatment facilities and to pay a \$6,000 penalty. The group was also ordered to apply for and obtain an NPDES (National Pollutant Discharge Elimination System) permit and retain a qualified engineer to evaluate the treatment system, or connect to a public sewage treatment system.
- Tim Trostel, of Clarksville, was ordered to remove and properly land apply all manure in his earthen manure storage basin and to pay a \$2,000 penalty. The order has been appealed.
- Hawkeye Woods and Kollasch Land and Livestock, Inc., of Palo Alto County, were ordered to submit an updated manure management plan and annual compliance fee to the DNR and to pay a \$750 penalty.
- Axtell Finishers, of Hardin County, was ordered to submit the entire manure management plan compliance fee and pay a \$500 penalty. The order has been appealed.
- Jerry Lunn, of Clear Lake, was ordered to cease illegal burning, cease open dumping and to properly dispose waste, to comply with open burning and solid waste requirements and to properly store all batteries. Lunn was also ordered to develop a plan to eliminate free liquid discharges and clean up any soil that has come in contact with free liquids, to obtain a storm water discharge permit and to pay a \$3,000 penalty.
- Gary Lund and Lund Construction, Inc., of Eagle Grove, were ordered to stop open burning, to stop improper disposal of solid waste, to excavate and properly dispose of demolition debris, and to pay a \$8,000 penalty. The order is in regards to the debris from demolition of a house in Clarion being burned and then buried in Wright County. The order has been appealed.
- Julie Oden, d.b.a. Centerville Cleaners, of Centerville, was ordered to comply with the requirements of the National Perchloroethylene Air Emission Standard for Dry Cleaning Facilities and to pay a \$1,000 penalty. The order has been appealed.

- Chief Alpha, Inc., of Grinnell, was ordered to operate its bagfilter system when one or more of its hammermills is operating, to comply with the conditions in its construction permits and to comply with operation, maintenance and compliance plans. Chief Alpha was also ordered to maintain and operate equipment as to minimize air emissions, to quickly remedy any causes of excess emissions, to timely report excess emissions, to promptly report all bypasses of the bagfilter system and to pay a \$500 penalty.
- Edwin Pagliai, of Ankeny, along with the following parties, were each ordered to pay \$1,300 in delinquent underground storage tank management fees for 2002 and 2003 and \$2,500 in statutorily mandated late fees for 2003. The order has been appealed.
  - 600 Main Pella, IA LLC
  - 302 E. Platt Maquoketa IA, LLC
  - 1901 Main Street Keokuk, IA LLC

In a separate administrative order, the above parties were ordered to permanently close underground storage tanks (USTs) and piping, conduct a soil and groundwater closure investigation and submit a closure report. They were also ordered to submit tank registration forms and tank management fees for each UST site, and to pay a \$4,500 penalty for each facility (total of \$13,500). The order is in regards to abandoned USTs in Pella, Maquoketa and Keokuk. The order has been appealed.

- JBTU, LLC and Mike Pagliai, of Ankeny, along with the following parties, were each ordered to pay \$5,720 in delinquent underground storage tank (UST) management fees for the years of 2002 and 2003 and \$11,000 in statutorily mandated late fees for 2003. The order has been appealed.
  - 1000 1st Ave W, Newton IA LLC
  - 1002 2nd Street, Webster City, IA LLC
  - 1201 E. Washington, Mt. Pleasant, IA LLC
  - 1649 NW 86th Clive, IA LLC
  - 2320 South Federal, Mason City, IA LLC
  - 2910 HWY 18 East, Clear Lake, IA LLC
  - 300 N. Commercial, Eagle Grove, IA LLC
  - 300 West Burlington, Fairfield, IA LLC
  - 4685 NW 2nd Ave, Des Moines, IA LLC
  - 510 E Jefferson, Corydon, IA LLC
  - 805 Lincoln Way/L Avenue & 8th Street, Nevada, IA LLC
  - 807 North 15th, Fort Dodge, IA LLC
- Regional Environmental Improvement Commission of Iowa County was ordered to comply with the litter control, soil cover and erosion control provisions of its sanitary landfill permit and to pay a \$10,000 penalty. The order has been appealed.
- William Hennessey, of Marion, was ordered to properly close all abandoned wells on his property, located in Linn County, and to pay a \$2,000 penalty.

- Michael and Keri Sickles, of Fontanelle, were ordered to cease illegal disposal of solid waste, submit records to the DNR verifying proper disposal of solid waste and waste tires, and pay a \$3,000 penalty. The order is in regards to a waste tire pile in Greenfield. The order has been appealed.
- The Wapsipinicon Country Club, of Anamosa, was ordered to cease operation of its facility until it obtains a public water supply operation permit, to pay the \$125 annual operation and late fee for 2004 and to pay a \$750 penalty. If the business continues to operate, it must sample for bacteria at least once per quarter, sample for nitrate at least once per year, provide public notice of monitoring violations and proof of notice, and to timely pay annual fees and apply for permit renewal in the future. The order has been appealed.
- Owasa Tap, of Iowa Falls, was ordered to sample its public water supply for bacteria at least once per quarter, sample its public water supply for nitrate at least once per year, provide public notice of monitoring deficiencies and pay a \$700 penalty.
- Jeff Marshall and Jim Perkins, of the Scott County Public Water Supply, were ordered to properly close their public water supply facility or obtain an operation permit, and to pay a \$2,000 penalty. The order has been appealed.

### **Consent Orders**

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- Robert Feuerbach, f.d.b.a. Feuerbach Oil Company, of Keystone, has agreed to a consent order regarding an underground storage tank (UST) site at 78 Main Street, Keystone. Feuerbach has agreed to submit a revised Tier 2 Site Cleanup Report and Corrective Action Design Report (CADR) and to implement the CADR.
- Thomas Nelson and Nelson Petroleum Products, of Clear Lake, have agreed to a consent order regarding an underground storage tank (UST) site at I-35 and Hwy. 9, Hanlontown. Nelson and Nelson Petroleum Products have agreed to submit and implement a Corrective Action Design Report (CADR), Tier 3 Work Plan or a reclassification Site Monitoring Report.
- Clay Regional Water, of Spencer, has agreed to a consent order regarding public drinking water systems in northwest Iowa. Clay Regional Water has agreed to comply with water supply construction permitting requirements, to submit an updated hydraulic analysis, and to pay \$2,000 in a Supplemental Environmental Project (SEP) in lieu of a penalty.
- Diwan, LLC, and Ranbir Thakur, of Davenport, have entered into a settlement consent order regarding three underground storage tanks (USTs) in Davenport. Diwan

and Thakur agreed to cease future violations of financial responsibility and tank registration rules and to pay a \$1,500 penalty. The DNR agreed to waive the balance of the \$10,000 penalty (\$8,500) upon completion of certain conditions, including the removal and replacement of the existing USTs. The penalty has been paid.

**For more information, contact Jessie Rolph at (515) 281-5131.**